

REMARKS

Claims 1-64 are pending in the instant application. Of these, claims 5-10, 20-22, 28, 37, 38, 41-44 and 48 have been withdrawn from consideration. Claims 1-4, 11-19, 23-27, 29-36, 39, 40, 45-47 and 49-64 are rejected. Applicants have now amended claims 1, 23, 36, 47, 56 and 59. Applicants have canceled claims 46 and 60-64 without prejudice or disclaimer to the subject matter claimed therein. New claims 65-68 have been added. Applicants respectfully request reconsideration of the rejection in view of the following remarks.

Applicants respectfully submit that the instant claim amendments are proper at this stage of prosecution, as the instant response is a Request for Continued Examination (RCE).

Applicants respectfully submit that the amended claims and new claims are fully supported by the specification as originally filed. In particular, the amendment to claim 1 replacing the “terminal” ends of the step member with –the proximal and distal ends-- finds support, for instance, at page 5, line 4. The amendment to claim 23, directed to at least one wing being integral with the strap, is supported, for example, by the passage at page 16, lines 18-20. The amendment to claim 36, directed to a tension limiter comprising a loop attached to the strap, is supported, for example, by the passage at page 18, lines 5-10. The amendment to claim 47, directed to the one or more wing sections having freedom of movement with respect to the strap, is supported, for example, by the passage at page 16, lines 18-20. The amendment to claim 56 is supported, for example, by the passage at page 5, lines 4-6, as well as the passage at page 15, lines 16-18. New claims 65 and 68 are supported, for example, on page 13, lines 4-5. New claims 66 and 67 are supported, for example, on page 13, lines 4-5 and page 5, lines 4-5.

Applicants respectfully submit that the new claims belong to the elected species.

Claim Numbering

Applicant notes that mis-numbered claims 56-60 have been renumbered by the Examiner as claims 60-64.

Claim Rejections – 35 USC §112

Claims 1-4 and 11-19 are rejected under 35 U.S.C. §112, second paragraph, on being indefinite. In particular, the Action points out that all of these claims recite “said human body part”, and alleges that such is improper as a human body part cannot be claimed in an article claim. In response, Applicants respectfully submit that the instant amendment of independent claim 1 should render this basis for rejection moot.

The Action also stated that if claims 56-59 are found to be allowable, re-numbered claims 60-64 will be objected to as being substantial duplicates thereof. Applicant respectfully submits that cancellation of claims 60-64 should render this ground for rejection moot.

Claim Rejections – 35 USC §102

Claims 1-4, 11-12, 14, 19, 23-27, 29-30, 32, 35 and 56-64 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,759,963 to Uso, Jr. (hereinafter referred to as “Uso, Jr.”). Applicants respectfully traverse this rejection.

In particular, Applicants respectfully submit that Uso, Jr. does not disclose, either expressly or implicitly, the invention of independent claim 1 comprising a vibration dampening device having a step member *made from stretchable material* (support for which is found at page 13, lines 4-5). In contrast, the “step member” of Uso, Jr., referred to as “second strap 15”, is “made of an unelasticized, fairly unstretchable, but strong material.” (col. 2, lines 24-27). Further, Uso, Jr. neither expressly nor implicitly discloses the claimed *proximal* and *distal* ends of the step member being free of a fastener. In contrast, Uso, Jr. has a Velcro hook-and-loop style fastener located on the proximal and distal ends of his step member. The Action alleges (without evidence) that the extreme terminal ends of Uso, Jr. are free of a fastener, but the instant amendment should render this basis for rejection moot.

Applicants furthermore respectfully submit that Uso, Jr. neither expressly nor implicitly discloses the invention of independent claim 56 and its dependents comprising the claimed step member having proximal and distal ends that extend beyond the nominal width of the strap, and in use, have freedom of movement with respect to the strap. In contrast, the device of Uso, Jr. has a “step member” that, when in use, is wrapped snugly around one or more fishing poles. Thus, the step member of Uso, Jr. does not have freedom of movement when in use.

Accordingly, Applicants respectfully request that this rejection be withdrawn.

Claim Rejections – 35 USC §103

Claims 13, 16-18, 31, 33 and 34 are rejected under 35 U.S.C. §103(a) as being unpatentable over Uso, Jr. In response, Applicants respectfully submit that Uso, Jr. neither discloses nor suggests the above-discussed amendments to independent claim 1, upon which the claims at issue ultimately depend. Specifically, Uso, Jr. neither discloses nor suggests a stretchable step member.

Accordingly, Applicant respectfully requests that this rejection be withdrawn.

Claims 1, 13, 15, 56-57 and 60-61 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 3,403,429 to Smith (hereinafter referred to as "Smith"). Applicants respectfully traverse this rejection.

Applicants respectfully submit that Smith neither discloses nor suggests the claimed invention. Specifically, Smith neither discloses nor suggests the invention of independent claim 1 comprising *proximal* and *distal* ends of the step member being free of a fastener. In contrast, Smith has a Velcro hook-and-loop style fastener located on both the proximal and distal ends of his step member. The Action alleges (without evidence) that the extreme terminal ends of Smith are free of a fastener, but the instant amendment (claiming the proximal and distal ends, not the terminal ends) should render this basis for rejection moot.

Moreover, Smith neither discloses nor suggests the invention of independent claim 56 and its dependents comprising a vibration dampening device featuring a step member having proximal and distal ends that extend beyond the nominal width of the strap. In contrast, Smith teaches a strip fastening means featuring "linearly disposed interengaging location means adapted to cause self-alignment of the strips during their engagement." (col. 1, lines 40-45).

Accordingly, Applicants respectfully request that this rejection be withdrawn.

Claims 36, 39, 40, 45-47 and 49-55 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,628,918 to Johnson, Jr. (hereinafter referred to as "Johnson, Jr.") in view of U.S. Patent Application Publication No. 2003/0045826 to Meyer (hereinafter referred to as "Meyer"). Applicants respectfully traverse this rejection.

Applicants respectfully submit that neither Johnson, Jr. nor Meyer, whether considered individually or in permissible combination, discloses or suggests the claimed invention. Specifically, neither discloses nor suggests the invention of independent claim 36 and its dependents comprising a method for damping vibration, featuring providing a tension limiter comprising a loop attached to a stretchable strap. Furthermore, neither discloses nor suggests the invention of independent claim 47 and its dependents comprising a method for damping vibration, featuring a stretchable strap having one or more wing sections that extend beyond the nominal width of the strap, at least one of the wing sections having freedom of movement with respect to the strap.

Accordingly, Applicant respectfully requests that this rejection be withdrawn.

Rejoinder

Claims 5-10, 20-22, 28, 37, 38, 41-44 and 48 have been withdrawn from consideration as being directed to a non-elected invention. However, the claims from which withdrawn claims 5-10, 20-22, 28, 37, 38, 41-44 and 48 depend, namely independent claims 1, 36 and 47, are generic, and should now be in allowable condition. A generic claim is a type of "linking

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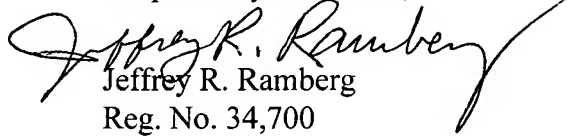
claim". Nonelected claims depending from or otherwise including all of the limitations of an allowable linking claim, previously withdrawn from consideration, are to be rejoined and fully examined for patentability under 37 CFR §1.104. See MPEP §809.04.

Applicants bring to the Examiner's attention the existence of co-pending Application Serial No. 10/709,903, which the Examiner may deem contains subject matter that is related to that of the instant application.

In view of the amendments and the above remarks, Applicants respectfully submit that the present invention is in condition for allowance. Accordingly, Applicants respectfully request issuance of a Notice of Allowance directed to claims 1-4, 11-19, 23-27, 29-36, 39, 40, 45, 47, 49-59 and 65-68. Applicants furthermore request rejoinder of claims 5-10, 20-22, 28, 37, 38, 41-44 and 48.

Should the Examiner deem that any further action on the part of Applicants would be desirable, the Examiner is invited to telephone the undersigned associate attorney of record.

Respectfully submitted,


Jeffrey R. Ramberg
Reg. No. 34,700

LAW OFFICE OF JEFFREY R. RAMBERG
273 E. Main Street, Suite 100
Newark, DE 19711

Tel: (302) 454-6414
Fax: (302) 454-6414